

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRISTOPHER CAMERON, INGRID  
OVERMAN, and the F/V GALLOWS  
POINT,

Plaintiffs,

v.

CAPE CAUTION, INC., and CHARLES R.  
PIECUCH, *In Personum*; the F/V CAPE  
CAUTION, O.N. 606699, her engines, tackle,  
apparel, furniture and equipment, *In Rem*,

Defendants.

Case No. C07-5274 KLS

ORDER DENYING MOTION FOR  
ORDER OF DEFAULT AGAINST GARY  
MINKOFF

This matter comes before the Court on Plaintiffs' Motion for Order of Default Against Defendant Gary Minkoff. (Dkt. #28). Defendant Gary Minkoff filed his Opposition to Motion for Order of Default (Dkt. #32). The basis for his opposition is that Mr. Minkoff, through his attorney Attorney Robert F. Kehoe, filed a Notice of Appearance (Dkt. #30) and Answer (Dkt. #31) on April 2, 2008. Plaintiff also asserts that the late filing of the pleadings has not prejudiced the Defendants as the late filing has not hampered discovery.

The Court notes that the Plaintiffs went to great lengths in attempting to obtain a response from Mr. Minkoff. It appears that Mr. Minkoff was in Alaska fishing during this time which provides an explanation as to why neither counsel for the plaintiffs or defendants were able to reach him.

1 In light of the newly filed Notice of Appearance and Answer as well as the lack of prejudice to the  
2 Defendants, the Motion for Default (Dkt. #32) is hereby DENIED.

3 DATED this 9<sup>th</sup> day of April, 2008.

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6 Karen L. Strombom  
7 United States Magistrate Judge  
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